

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIK HAUG,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration.

Defendant.

CASE NO. 12-cv-05783 JRC

**ORDER ON STIPULATED MOTION
TO REMAND**

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. (*See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 3; Consent to Proceed Before a United States Magistrate Judge, ECF No. 5.) This matter is before the Court on defendant's stipulated motion to remand the matter to the Commissioner for further consideration. (ECF No. 10.)

After reviewing defendant's stipulated motion; the declaration of Jordan D. Goddard, Esq. (ECF No. 11) in support of defendant's stipulated motion; and the relevant record, the Court grants defendant's motion due to the inaudible nature of the audio recording of the administrative

1 hearing, and remands this matter to the Commissioner pursuant to sentence six of 42 U.S.C. §
2 405(g). The case should not be closed, as this Court retains jurisdiction of this action pending
3 further administrative development of the record. *See* 42 U.S.C. § 405(g); *see also Shalala v.*
4 *Schaefer*, 509 U.S. 292, 297-300 (1993).

5 On remand, based on the parties' stipulation, the Administrative Law Judge shall hold a
6 new hearing and issue a new decision.

7 Given the facts and the parties' stipulation, the Court hereby orders that the case be

8 **REMANDED** pursuant to sentence six of 42 U.S.C. § 405(g).

9 (1) After remand, the Commissioner of Social Security shall modify or affirm the
10 Commissioner's findings of fact or the Commissioner's decision, or both, and
11 shall file with the Court any such additional or modified findings of fact and
12 decision;

13 (2) If the outcome still is not fully favorable to plaintiff, the Commissioner shall file
14 with the Court a transcript of the additional record and testimony on which the
15 Commissioner's action in modifying or affirming is based, and plaintiff may seek
16 judicial review by reinstating this case rather than by filing a new complaint; and

17 (3) If the outcome is favorable to Plaintiff, the parties shall move this Court for entry
18 of Judgment.

19 Dated this 14th day of December, 2012.



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21 J. Richard Creatura
22 United States Magistrate Judge
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